

1 WAGANAKISING ODAWAK STATUTE _____
2 ODAWA GAMING ENTERPRISE MANAGEMENT STATUTE
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5 **SECTION I. REPEALS AND REPLACES**
6

7 This Statute repeals and replaces Waganakising Odawak Statute 2009-012 Gaming
8 Delegation and Authority Statute and an previous Gaming Board of Directors Statutes including
9 Waganakising Odawak Statute 2004-008, and Waganakising Odawak Statute 2001-12, as
10 amended by Waganakising Odawak Statute 2000-02.

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13 **SECTION II. PURPOSE AND TITLE**
14

15 The Little Traverse Bay Bands of Odawa Indians (the “Tribe”) exercises powers of self-
16 government over its Citizens and territory. In accordance with Article VII (D) (4), the purpose of
17 this Statute is to govern the issuance of the Little Traverse Bay Bands of Odawa Indians charter
18 of incorporation for economic purpose, to provide for the management of the Gaming
19 Commercial Enterprises and to delegate such management to a Tribally chartered corporation in
20 accordance with Article VII (D) (24) and regulate such tribally chartered corporation activities in
21 accordance with Article VII (D) (4).

22
23
24 **SECTION III. DEFINITIONS**
25

- 26 **A.** “*Board of Directors*” shall mean the Board of Directors of the Corporation.
27
28 **B.** “*Compact*” shall mean the “Tribal-State Gaming Compact between Little Traverse Bay
29 Bands of Odawa Indians and the State of Michigan.
30
31 **C.** “*Corporation*” shall mean the Odawa Gaming Enterprise Management, Inc.
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052810 revision

020310 revision

122009 Waganakising Odawak Statute Odawa Gaming Enterprise Management-placed on Legislative Calendar

1 **D.** “*Executive*” means the Executive branch of the Little Traverse Bay Bands of Odawa
2 Indians.

3
4 **E.** “*Felony*” shall mean only those offenses set forth under Tribal Statute or the United
5 States Indian Major Crimes Act (18 U.S.C. § 1153).

6
7 **F.** “*Gaming Commercial Enterprises*” means the Odawa Casino Resort and ancillary
8 enterprises and activities, any existing and future establishment of the Tribe (i) upon which
9 Gaming takes place, (ii) which is authorized and licensed under applicable law, and (iii) which
10 the Council designates for ownership, lease, development, construction, operation or
11 management by the Company, including without limitation any Class III Gaming facilities
12 established in accordance with the Compact including the Odawa Casino Resort and ancillary
13 enterprises and activities and other tribally owned enterprises or businesses.

14
15 **G.** “*Gaming Regulatory Commission*” means the Little Traverse Bay Bands of Odawa
16 Indians Gaming Regulatory Commission established pursuant to Waganakising Odawak Statute
17 2005-06, May 15, 2005.

18
19 **H.** “*Indian Gaming Regulatory Act*” means 25 U.S.C. §§ 2701-2721.

20
21 **I.** “*Obligations*” shall mean any notes, bonds, interim certificates, debentures or other
22 evidences of indebtedness issued by the Corporation under this Charter.

23
24 **J.** “*Obligee*” shall mean any holder of an Obligation, and any agent or trustee for any
25 holder of any Obligation.

26
27 **K.** “*Odawa Casino Resort*” means the gaming enterprise, including related hotel and
28 restaurant services, of the Tribe located in Petoskey, Michigan, wherein the Tribe operates Class
29 II and Class III gaming to generate governmental revenue for the Tribe pursuant to the Indian
30 Gaming Regulatory Act.

31
32 **L.** “*Territorial Jurisdiction of the Little Traverse Bay Bands of Odawa Indians*” means

[052810 revision](#)

[020310 revision](#)

[122009 Waganakising Odawak Statute Odawa Gaming Enterprise Management-placed on Legislative Calendar](#)
[Waganakising Odawak Statute Odawa Gaming Enterprise Management](#)

1 “areas referenced in Public Law 103-324, 25 USC Section 1300k-2(b)(2)(A) as the boundaries
2 of the reservations for the Little Traverse Bay Bands as set out in Article I, paragraphs ‘third
3 and fourth’ of the Treaty of 1855, 11 Stat.621.” Little Traverse Bay Bands Constitution, Article
4 V(A)(1)(a).

5
6 **M.** “Tribe” or “LTBB” means the Little Traverse Bay Bands of Odawa Indians.

7
8 **N.** “Tribal Constitution” means the Little Traverse Bay Bands of Odawa Indians
9 Constitution as adopted by its membership on February 2, 2005.

10
11 **O.** “Tribal Council” means the elected body of nine Tribal members of Little Traverse
12 Bay Bands of Odawa Indians with duties found in the Tribal Constitution Article VII.

13
14
15 **SECTION ~~III~~IV. CREATION OF THE ODAWA GAMING ENTERPRISE**
16 **MANAGEMENT, INC. CORPORATE CHARTER**

17
18 **A.** A tribally chartered corporation is authorized by this Statute and shall be named the
19 “Odawa Gaming Enterprise Management, Inc.” The organization is recognized by the approval
20 of the tribal corporation charter; “Odawa Gaming Enterprise Management, Inc” by Tribal
21 Council.

22
23 **B. Eligibility**

24
25 To serve on the board a person must meet all of the following criteria:

- 26
27 1. A person must be an enrolled member of the Tribe at least eighteen years of age;
28
29 2. The appointee must be licensed under the Tribe's Gaming Regulatory Ordinance;
30
31 3. No person can serve on the board who is employed by any Gaming Commercial
32 Enterprises or any other facility or enterprise conducting Gaming, or any other Federally
33 Recognized Indian Tribe;

052810 revision

020310 revision

122009 Waganakising Odawak Statute Odawa Gaming Enterprise Management-placed on Legislative Calendar

4. No person can serve on the board who is employed by the LTBB Tribal Government.

5. No person can serve on the board who is an elected official of LTBB.

6. No person can serve on the board within seven (7) years of completion of a sentence or probation upon being convicted of a felony in tribal, state or federal court, unless such conviction has been vacated or overturned.

7. No person can serve on the board within seven (7) years of completion of a sentence or probation upon being convicted of a crime for embezzlement, theft, fraud or dishonesty as verified by a criminal background check unless such conviction has been vacated or overturned.

~~78.~~ To be considered for the board, a person should meet one of the following desired criteria:

i. Three (3) years of business or financial management experience including industry trends, business and economic development concepts of the enterprise.

ii. Three (3) years of proven relevant gaming or hospitality management experience.

iii. Excellent knowledge of the Tribal Minimal Internal control Standards (MICS).

C. Appointments

1. Members of the board shall be nominated by the Executive and appointed by a majority vote of Tribal Council for a three (3) year term. The initial appointments to the board shall be staggered.

052810 revision

020310 revision

122009 Waganakising Odawak Statute Odawa Gaming Enterprise Management-placed on Legislative Calendar
Waganakising-Odawak Statute Odawa Gaming Enterprise Management

2. Appointed Board members shall take an oath of office administered by the Tribal Court.

3. Current members to the Board shall received staggered terms.

24. Any board member may resign at any time by delivering a written notice of resignation to the Chairperson of the board.

35. The Chairperson and Secretary shall be selected amongst the board.

46. If there is a vacancy on the board, the Executive shall nominate a person within 60 days of such vacancy.

D. Removal

1. Board members may be removed by a 3/4 majority vote of Tribal Council eligible to vote.

2. Board members may recommend removal for cause by a majority vote of the board excluding the board member in question. Reasons for removal are misconduct, neglect of duties, violations of Tribal law or board policy including failure to attend three (3) consecutive unexcused board meetings.

SECTION IV. COMPENSATION

The board members shall be compensated, subject to the availability of funds, for the following:

A. One-hundred and fifty dollars (\$150.00) per day stipend for attendance at meetings or work sessions that are approved by board motion.

B. One-hundred dollars (\$100.00) per day stipend for attendance at training, conferences or

052810 revision

020310 revision

122009 Waganakising Odawak Statute Odawa Gaming Enterprise Management-placed on Legislative Calendar

1 other functions approved by board motion.

2
3 **C.** Board members shall only receive one stipend per day for activities performed under both
4 subsection (A) and (B) within the same day. The stipend shall not be combined.

5
6 **D.** The board shall adhere to the ~~Tribal Odawa Casino Resort~~ travel policies for
7 reimbursement of travel expenses.

8
9
10 **SECTION VI. EMPLOYMENT WITH TRIBAL ENTERPRISES**

11
12 A member of the board shall not be employed in any capacity with the Enterprises for a period of
13 forty-five (45) days, after leaving the board.

14
15
16 **SECTION VII. FAMILY RELATIONS**

17
18 **A.** For Purposes of this Statute, two (2) or more members of the same immediate family
19 shall not serve on the board at the same time. Further, a person shall not serve on the board if the
20 General Manager, Director of Finance, Internal Auditor, any Tribal Council member is an
21 immediate family member. For purposes of this section immediate family means husband, wife,
22 son, daughter, step-son, step-daughter, father, step-father, father-in-law, mother, step-mother,
23 mother-in-law, brother, step-brother, brother-in-law, sister, step-sister, sister-in-law, child, step-
24 child or a person whose relationship with the Authority member is similar to that of persons who
25 are related by adoption, blood or marriage.

26
27 **B.** No board member may participate in making any decision that involves a personal or
28 financial interest of the board member or a member of his or her immediate family unless such
29 interest is held in common with the Tribe and its Citizens.

1 **SECTION VIII. ASSETS**

2
3 The Odawa Gaming Enterprise Management, Inc. shall be assigned those assets as existed and
4 are currently within the possession of the Odawa Casino Resort including real property, tangible
5 and intangible properties. Such assets shall be held by the Odawa Gaming Enterprise
6 Management, Inc. on behalf of the Tribe and shall be managed to provide long term revenue for
7 Tribal governmental programs and activities. The assets assigned in this Statute shall be
8 independently managed by the Odawa Gaming Enterprise Management, Inc.
9

10
11 **SECTION ~~VIII~~IX. FUNCTION**

12
13 **A.** The legal services of the Odawa Gaming Enterprise Management, Inc. shall be provided
14 by Enjinaaknegeng with approval of the Tribal Chairperson, or such other attorneys as approved
15 by Tribal Council.
16

17 **B.** The Odawa Gaming Enterprise Management, Inc. shall have sole authority and
18 responsibility for managing Gaming Commercial Enterprises in accordance with Statutes,
19 Resolutions, and regulations as approved by Tribal Council.
20

21 **C.** The Odawa Gaming Enterprise Management, Inc. shall abide by all federal laws and
22 regulation as may be applicable.
23

24 **D.** It is the duty of the Odawa Gaming Enterprise Management, Inc. to monitor activities and
25 operations to provide guidance to the management of the operations.
26

27 **E.** It is the duty of the Odawa Gaming Enterprise Management, Inc. to protect assets of the
28 Tribe and generate revenues to support Tribal Governmental Services and Programs.
29

30 **F.** It is the duty of the Odawa Gaming Enterprise Management, Inc. to maintain and increase
31 the number of Tribal members in employment and management level positions.
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052810 revision

020310 revision

122009 Waganakising Odawak Statute Odawa Gaming Enterprise Management-placed on Legislative Calendar

1 | **SECTION IX. REPORTING TO TRIBAL COUNCIL**

2
3 **A.** In order to regulate, the Odawa Gaming Enterprise Management, Inc. shall report to the
4 Tribal Council on the following information at the regularly scheduled Tribal Council Meetings
5 or such special meetings as requested by the Tribal Council:
6

- 7 1. Annual operating plan;
8
9 2. Financial performance measures;
10
11 3. Audits, whether internal or external;
12
13 4. Financial records or statements;
14
15 5. Personnel statistics, including Indian preference, hiring, retention, disciplinary
16 actions, grievances, etc.;
17
18 6. Compliance reports, whether internal or external;
19
20 7. Gaming Regulatory Commission notices of noncompliance, licensing activities of
21 the Gaming Commercial Enterprises or its employees, and other Gaming
22 Commission actions.
23
24 8. Tribal Council may request reports regarding all aspects of the Odawa Gaming
25 Enterprise Management, Inc and Gaming Commercial Enterprises.
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052810 revision

020310 revision

122009 Waganakising Odawak Statute Odawa Gaming Enterprise Management-placed on Legislative Calendar
Waganakising Odawak Statute Odawa Gaming Enterprise Management

1 **SECTION XI. FINANCING OF THE ODAWA GAMING ENTERPRISE**
2 **MANAGEMENT, INC. AND ACTIVITIES**

3
4 **A.** The annual budget for the Odawa Gaming Enterprise Management, Inc. shall be
5 approved by Tribal Council in accordance with the Budget Formulation Statute or such other
6 approval process as designated by the Tribal Council.

7
8 **B.** Tribal Council shall approve all requests for financing activities of the Odawa Gaming
9 Enterprise Management, Inc. Financing activities as used in this Statute means purchases,
10 remodeling, construction, and other activities that require the utilization of loan documents,
11 letters of credit, and other banking and non-banking activities which require borrowing funds.

12
13 **C.** The Odawa Gaming Enterprise Management, Inc. is not authorized to enter into financing
14 approval without prior ratification by the Tribal Council.

15
16
17 **SECTION XII. SAVING CLAUSE**

18
19 In the event that any phrase, provision, part, paragraph, subsection or section of this
20 statute is found by a court of competent jurisdiction to violate the Constitution, laws, ordinances
21 or statutes of the Little Traverse Bay Bands of Odawa Indians, such phrase, provision, part,
22 paragraph, subsection or section shall be considered to stand alone and to be deleted from this
23 statute, the entirety of the balance of the statute to remain in full and binding force and effect.

24
25
26 **SECTION XIII. EFFECTIVE DATE**

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28 Effective upon signature of the Executive or thirty (30) days from Tribal Council
29 approval which ever comes first or if the Executive vetoes the legislation, then upon Tribal
30 Council override of the veto.

052810 revision

020310 revision

122009 Waganakising Odawak Statute Odawa Gaming Enterprise Management-placed on Legislative Calendar